

Responses to EPA's CDF Performance Standards Comments Dated April 23, 2010.

1. EPA directs the LWG to address each of the performance standards in sufficient detail as to reasonably understand the substantial impacts of the performance standards on each CDF and CAD evaluated in the FS, and in sufficient detail to estimate costs of the alternatives within a range of +50% to -30%.

Response: We agree to address each of the performance standards in sufficient detail to reasonably understand the substantial impacts of each performance standard. We agree to estimate costs for entire FS alternatives within the +50% to -30% range per FS guidance. This will not involve estimating the cost impact of each individual performance standard for each disposal site to this degree of accuracy. Instead, the LWG agrees to identify any cost implications associated with each performance standard that are expected to substantially impact the accuracy of the overall estimate for the alternative within the specified range.

2. Schedule - EPA disagrees to the extent that the LWG is assuming that the draft FS completion date is automatically delayed day-for-day until issues related to the performance standards are resolved. EPA acknowledges that resolution of CDF performance standards has impacted the schedule; however, as previously discussed with the LWG, EPA needs to consider the net effect and circumstances of the individual issues and events that delay FS tasks before agreeing to delays in the overall schedule.

Response: The LWG's goal regarding schedule communication is to always be clear to EPA on the estimated schedule impacts associated with any activity EPA is undertaking (such as discussion of comments). The LWG will continue to discuss the net effect on the schedule of these and other ongoing project activities with EPA. The LWG's estimate of this particular schedule impact is not expected to change through such discussions unless EPA identifies some new project approach that will save time elsewhere in the project.

3. EPA agrees with the clarification and notes that we will be discussing the format and timing of the alternatives screening level check-in.

Response: No further response is necessary.

4. The CDF performance standards should generally be applied to CADs in a consistent manner as to CDFs. EPA is also willing to consider proposals from LWG that address the specific items listed in EPA's letter.

Response: The LWG has no further response at this time.

5. EPA agrees that qualitative evaluation of "design" performance standards as designated by LWG may be sufficient for comparison of alternatives; however, the FS must include cost estimates for implementation of each alternative, and these cost estimates must

include consideration of the costs of both remedial design technical analyses and remedial action construction related impacts, as best they can be foreseen at the FS level.

Response: See response to Comment 1. We will estimate costs related to remedial design technical analyses where they are expected to substantially impact the overall alternative cost estimate within the ranges specified in response to Comment 1.

6. No further comment.

7. EPA cautions that CWA 404 is not the only ARAR relevant to floodway intrusions into the navigation channel. FEMA regulations and Section 10 of the Rivers and Harbors Act must also be considered in the analysis.

Response: The LWG agrees to consider the requirements of all ARARs relevant to this issue in the FS.

8. No further comment.

9. No further comment.

10. No further comment.

11. No further comment.

12. EPA agrees, but notes that the qualitative evaluation must be more than simply restating the performance requirement. For example, for seismic considerations, EPA agrees that detailed site-specific geotechnical investigations and seismic modeling can be deferred until remedial design; however, the FS should include a review of regional soil and geologic maps as well as readily available site-specific geotechnical data by a geotechnical engineer with substantial local experience in assessment of soil/sediment stability in/near the Willamette River so as to identify relative significance of seismic concerns amongst the variously CDF and CAD sites. The review should identify conditions of potential concern that can reasonably be foreseen from available data, and provide recommendations (and estimated costs) for further analyses. Seismic conditions of concerns and costs may differ between sites. Depending upon the outcome of the review, further analysis of seismic issues in the FS for one or all sites may be appropriate.

Response: The LWG agrees with the comment except for the following portions:

- “...provide recommendations (and estimated costs) for further analyses. “

The LWG does not agree that the FS needs to determine the content of future design level analyses (or costs of those studies which will generally be minor as

compared to overall construction costs) in order to qualitatively assess major seismic issues that may be associated with a disposal site.

- “Seismic conditions of concerns and costs may differ between sites. Depending upon the outcome of the review, further analysis of seismic issues in the FS for one or all sites may be appropriate.”

Additional analyses are warranted if the information is needed to make an FS decision. If major issues are determined for this design level standard or any other design level standard, it is not the LWG’s intent to embark upon design level analyses of those issues as part of the FS. Also, regarding costs, see response to Comment 1.

13. No further comment.

14. No further comment.

15. No further comment.

16. No further comment.

Construction and Filling

17. EPA cautions that CWA Section 404 is not the only ARAR applicable to meeting water quality standards during construction of the remedy. Section 401 and 301 of the CWA requires meeting water quality standards.

Response: The LWG agrees to consider the requirements of all ARARs relevant to this issue in the FS.

18. No further comment.

19. No further comment.

20. The FS should identify the potential volume of sediment that can be disposed of in each CDF and CAD and any sediment disposal acceptance requirement that might apply. The FS should present a general plan as best it can be identified at the FS level.

Response: The LWG agrees to estimate volumes or ranges of volumes of sediment that can be disposed each CDF or CAD. The LWG is not clear regarding the meaning of the following portion of the comment: “...any sediment disposal acceptance requirement that might apply. The FS should present a general plan as best it can be identified at the FS level”.

However, rather than seeking clarification from EPA on this comment, the LWG reiterates our previous response for moving forward, which we believe resolves this

issue: The FS will assess at a general level the potential for any materials to cause short term or long term violations of water quality ARARs to make this determination.

21. No further comment.

22. EPA agrees, and notes that the FS should identify in a general manner the proposed plan for filling each CDF. If all material is to be placed via clamshell, then not completing a short-term modeling analysis appears appropriate. However, for a CDF that will be filled primarily by hydraulic dredging methods where a berm or similar feature is relied on to “filter” the return water, discussion of (and possibly preliminary modeling of) short term water quality impacts may be appropriate.

Response: The LWG has no further response at this time.

23. No further comment.

24. EPA expects that cost estimates will consider that some controls will be required and the FS should discuss the types of controls that would likely be needed.

Response: See response to Comment 1. Controls of this nature are expected to represent relatively minor costs as compared to overall construction and operation of a CDF. However, the costs of these controls will be estimated if they are expected to substantially impact the overall alternative cost estimate within the ranges specified in response to Comment 1. The LWG agrees that if some obvious measures exist to minimize impacts to fish or wildlife during CDF filling operations, they can be discussed in the FS. However, as noted in the original response [emphasis added]: The FS will not discuss operational details regarding minimizing fish and wildlife impacts and will not include detailed estimates of exposures.

25. No further comment.

26. No further comment.

27. No further comment.

28. A reasonable estimate of the cost for providing financial assurance (such as a percentage of estimated construction cost) should be included in the FS cost estimates.

Response: LWG has no further response at this time.

29. No further comment.